

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office..... JUN 30 1989
 Returned to applicant for correction..... AUG 16 1989
 Corrected application filed.....
 Map filed..... May 16, 1974 under 28120

The applicant..... Esther Bennett, (Butte Minerals, Inc.)
1146 Fordham Drive of Davis, CA. 95616
Street and No. or P.O. Box No. City or Town
California, 95616, hereby make.... application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
 copartnership or association, give names of members.).....

1. The source of the proposed appropriation is underground
Name of stream, lake, spring, underground or other source
2. The amount of water applied for is 1.0 second-feet
One second-foot equals 448.83 gals. per min.
 (a) If stored in reservoir give number of acre-feet.....
3. The water to be used for mining, milling, & domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated.....
 - (b) Stockwater, state number and kinds of animals to be watered.....
 - (c) Other use (describe fully under "No. 12. Remarks").....
 - (d) Power:
 - (1) Horsepower developed.....
 - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34, T.29N., R.34E.,
Describe as being within a 40-acre subdivision of public
M.D.B.&M., or at a point from which the Southeast corner, of said Section 34 bears
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
South 27° 11' East, a distance of 648 feet
6. Place of use..... Lots 7, 8, 11 and 12 of Section 1, T.28N., R.34E., M.D.B.&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Water will be diverted by pump and motor
State manner in which water is to be diverted, i.e. diversion structure, ditches and
to 8" pipeline which will convey it to the place of use as shown on supporting map.
flumes, drilled well with pump and motor, etc.
9. Estimated cost of works..... \$5,000.00 well existing

10. Estimated time required to construct works..... 3 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use. 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water is to be used in mining and milling operation which will rework large volumes of tailings, left from early mining in the area. Estimated annual use 750 acre feet this is refiling inactive permit 28127

s/ Frank Taylor Agent
By Frank Taylor
1146 Fordham Dr.
Davis, CA. 95616

Compared pm/bp am/se

Protested 12/29/89 by James L. Noble

Pro. overruled 12-11-91 ,
Ruling No. 3855

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 54342, 54343, 54344, 54345, 53648 and 53649 shall not exceed 60 million gallons annually.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 1.0 cubic feet per second, but not to exceed 60 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before February 11, 1993

Proof of completion of work shall be filed on or before March 11, 1993

Application of water to beneficial use shall be made on or before February 11, 1997

Proof of the application of water to beneficial use shall be filed on or before N/A

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

Proof of beneficial use filed office, this 11th day of February

Cultural map filed

Certificate No. Issued A.D. 19 92

[Signature]
State Engineer

EXPIRED
DATE FEB 11 1997

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued subject to the State Engineer's Ruling No. 3855, dated December 11, 1991.

A monthly report shall be submitted to the State Engineer within 10 days from the end of each month which shall include the amount of water pumped from each well and the amount of water used.

Any well used under this permit must conform with all applicable regulations in the Nevada Administrative Code - "Regulations for Water Well and Related Drilling".

This permit is issued subject to the provision of SB 526, of the 1991 Nevada State Legislative Session, for a finite period of 5 years from the date of issuance of this permit.